
By: **Washington County Delegation**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County - Adequate Public Facilities**

3 FOR the purpose of authorizing the Washington County Board of County
4 Commissioners to adopt an ordinance that grants the Washington County Board
5 of County Commissioners certain powers with regard to adequate public
6 facilities; providing for certain provisions that may be included in certain
7 ordinances adopted by the Washington County Board of County Commissioners
8 with regard to adequate public facilities; defining a certain term; and generally
9 relating to adequate public facilities in Washington County.

10 BY adding to
11 Article 66B - Land Use
12 Section 14.08
13 Annotated Code of Maryland
14 (2003 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 66B - Land Use**

18 14.08.

19 (A) IN THIS SECTION, "PUBLIC FACILITIES" MEANS SCHOOLS, ROADS, WATER
20 AND SEWER FACILITIES, AND OTHER INFRASTRUCTURE SUPPORTED BY THE
21 FEDERAL, STATE, OR LOCAL GOVERNMENT FOR PUBLIC PURPOSES.

22 (B) EXCEPT FOR LAND WITHIN A MUNICIPAL CORPORATION IN WASHINGTON
23 COUNTY, THIS SECTION APPLIES TO WASHINGTON COUNTY.

24 (C) IN ADDITION TO THE AUTHORITY GRANTED IN § 10.01 OF THIS ARTICLE,
25 THE COUNTY COMMISSIONERS MAY PROVIDE, BY ORDINANCE, FOR THE PROVISION
26 AND FINANCING OF ADEQUATE PUBLIC FACILITIES CONCURRENTLY WITH THE
27 NEED FOR THOSE FACILITIES.

1 (D) THE ORDINANCE MAY INCLUDE THE AUTHORITY FOR THE COUNTY
2 COMMISSIONERS TO:

3 (1) DETERMINE THE DESIGN CAPACITY OF PUBLIC FACILITIES;

4 (2) ESTABLISH STANDARDS FOR DETERMINING THE ADEQUACY OF
5 PUBLIC FACILITIES;

6 (3) DETERMINE SCHOOL CAPACITY STANDARDS;

7 (4) DETERMINE THE STUDENT YIELD FACTORS FOR SCHOOLS AT
8 VARIOUS LEVELS;

9 (5) ESTABLISH CATEGORIES OF DEVELOPMENTS THAT WILL BE EXEMPT
10 FROM THE APPLICATION OF THE ORDINANCE;

11 (6) ESTABLISH FORMULAS FOR MEASURING AVAILABLE CAPACITY OF
12 PUBLIC FACILITIES;

13 (7) DETERMINE THE ADEQUACY OF PUBLIC FACILITIES IN AREAS
14 AFFECTED BY NEW DEVELOPMENTS IN DEVELOPMENT PLAN REVIEW PROCESS;

15 (8) ENTER INTO AGREEMENTS WITH DEVELOPERS PROVIDING FOR THE
16 PAYMENT OF MONETARY COMPENSATION TO ADDRESS INADEQUACIES IN PUBLIC
17 FACILITIES CAUSED BY PROPOSED DEVELOPMENTS AS A PART OF THE
18 DEVELOPMENT PLAN APPROVAL PROCESS;

19 (9) DETERMINE THE VALUE OF IN-KIND CONTRIBUTIONS OF
20 EQUIVALENT VALUE SUCH AS REAL ESTATE;

21 (10) FORFEIT CONTRIBUTIONS 3 YEARS AFTER FINAL PLAT APPROVAL;

22 (11) ESTABLISH AN APPEAL PROCESS FOR DECISIONS MADE UNDER THE
23 ORDINANCE;

24 (12) LIMIT THE NUMBER OF BUILDING PERMITS IN ANY SCHOOL
25 DISTRICT; AND

26 (13) LIMIT THE NUMBER OF RESIDENTIAL BUILDING LOTS APPROVED
27 FOR DEVELOPMENT ON AN ANNUAL BASIS.

28 (E) THE ORDINANCE UNDER SUBSECTION (D) OF THIS SECTION MAY
29 AUTHORIZE THE COUNTY COMMISSIONERS TO IMPOSE CIVIL FINES AND PENALTIES
30 FOR ANY VIOLATION OF THE ORDINANCE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2004.